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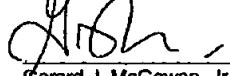
PATENT NOV 01 2004

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to:

"Commissioner for Patents"  
P.O. Box 1450  
Alexandria, VA 22313-1450

on November 1, 2004

  
Gerard J. McGowan, Jr.  
Reg. No. 29,412  
Attorney for Applicants

November 1, 2004  
Date of Signature

UNUS #01-0162-UNI  
CASE #F3275(V)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Spindler et al.  
SERIAL NO.: 10/005,678  
FILED: December 5, 2001  
FOR: AERATED COMPOSITIONS, PROCESS AND APPARATUS FOR  
ACHIEVING SUCH TREATED COMPOSITIONS

GROUP: 1761  
EXAMINER: Nina Nmn Bhatt  
EDGEWATER, NEW JERSEY 07020

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

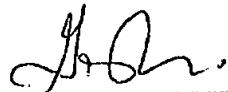
Sir:

Applicant(s) hereby appeals to the Board of Appeals from the decision dated July 1, 2004 of the Primary Examiner final rejection of claims 1-5.

The item(s) check below are appropriate:

- A timely response to the final Rejection has been filed.
- An Extension of Time to respond to the Final Rejection was requested for one month.
- An Extension of Time to file a Notice of Appeal was granted for \_\_\_ month(s).

[X] Charge statutory fee of \$330.00 to Deposit Account No. 12-1155. Please charge any additional fees or credit overpayment to Deposit Account No. 12-1155. This request is being submitted in triplicate.



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Gerard J. McGowan, Jr.  
Attorney for Applicant  
Registration No. 29,412

GJM/pod  
201-840-2297